

REMARKS/ARGUMENTS

In response to the Final Office Action dated February 20, 2008, Applicant respectfully submits that the Action has been made Final in error.

35 U.S.C. §103 - Claims 2 to 5

Claims 2 to 5 stand rejected as obvious in light of US 6,443,555 to Silverbrook in view of US 6,722,759 to Torgerson et al. The Applicant respectfully submits that the citations do not teach all the elements of independent claim 5 and the Examiner has misinterpreted claims terms and not given claims terms due patentable weight.

Firstly, claim 5 is limited to a printer cartridge that has a body configured such that "user removal and replacement of the body *simultaneously* removes and replaces the printing fluid storage, the pagewidth printhead and the fluid connection" (emphasis added). This is not taught by either of the cited references. It is clear from the '555 description that the printhead modules 1 (which the Examiner has equated to the body of claim 5) is not configured for simultaneous removal of the ink cartridge 6 (which the Examiner has equated to the printing fluid storage of claim 5), the printhead unit 3 (which the Examiner has equated to the pagewidth printhead of claim 5) and the printer ink supply system of Figure 19 (which the Examiner has equated to the fluid connection of claim 5). It is plainly apparent that these components are assembled at different times during the manufacture of the '555 printer.

Secondly, the Applicant respectfully submits that the Examiner has gone beyond the broadest reasonable interpretation of the term 'user'. During examination the USPTO must give claims their broadest reasonable interpretation. This means that the words of the claim must be given their plain meaning unless the plain meaning is inconsistent with the specification (see MPEP2111.01). The plain meaning is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention. The person who uses a printer is the user. This is also the person who installs and removes any cartridges for consumables used by the printer during printing. The manufacturer manufactures the printer, and in that capacity, is clearly not the user of the printer. A printer is used for printing; that is its use. Hence the assembly and construction of the various components in the '555 printer is not performed by the user.

Thirdly, the Examiner has not given any patentable weight to the preamble where this is clearly a situation where the preamble "gives life, meaning, and vitality to the claim" (see MPEP2111.02). In *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951) the preamble "An abrasive article" was essential to point out the invention defined by claims to an article comprising abrasive grains and a hardened binder and the process of making it. The court stated "it is only by that phrase that it can be known that the subject matter defined by the claims is comprised as an abrasive article. Every union of substances capable *inter alia* of use as abrasive grains and a binder is not an 'abrasive article.'" Therefore, the preamble served to further define the structure of the article produced. (see MPEP2111.02)

During examination, statements in the preamble reciting the purpose or intended use of the claimed invention must be evaluated to determine whether the recited purpose or intended use results in a structural difference (or, in the case of process claims, manipulative

difference) between the claimed invention and the prior art. If so, the recitation serves to limit the claim.

The preamble of Claim 5 clearly recites the purpose and intended use of the invention – it is a cartridge for a printer. The term ‘cartridge’ is well known and widely used in connection with printers. The normal dictionary definition of the term provides the plain meaning that the ordinary worker would assign to this term.

cartridge - a module designed to be inserted into a larger piece of equipment (see www.thefreedictionary.com)

Neither of the citations teach any modular components with a pagewidth printhead, printing fluid reservoir and fluid connection that the ordinary worker would construe as a cartridge. Neither of the citations teach a body configured for simultaneous user removal and replacement of the printing fluid storage, the pagewidth printhead and the fluid connection.

Accordingly, the cited references do not teach fundamental limitations of the present invention and therefore fails to support a §103 rejection of any of claims 2 to 5.

Conclusion

It is respectfully submitted that the rejection has been successfully traversed and the application is now in condition for allowance. Accordingly, withdrawal of the finality of the previous report and favourable reconsideration is courteously solicited.

It is respectfully submitted that all of the Examiner's objections have been successfully traversed. Accordingly, it is submitted that the application is now in condition for allowance. Reconsideration and allowance of the application is courteously solicited.

Very respectfully,

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